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Clerk, U.S. District Court
District Of Montana
Billings

**United States District Court
for the
District of Montana**

FILED

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Clerk, U.S. District Court
District Of Montana
Billings

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Quincy Woodenlegs** Case Number: **CR 10-150-BLG-DWM-CSO**

Name of Sentencing Judicial Officer: **Richard F. Cebull, Senior U.S. District Judge**

Date of Original Sentence: **December 7, 2011**

Original Offense: **Abusive Sexual Conduct** Offense Code: **18 U.S.C. 2244(a)(5)**

Original Sentence: **30 Months Custody followed by 10 Years Supervised Release**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **March 15, 2013**

Assistant U.S. Attorney:

Ms. Marcia Hurd
2601 2nd Avenue N. Ste 3200
Billings, Montana 59101
(406) 657-6101

Defense Attorney (Appointed)

Federal Defenders of Montana
2702 Montana Avenue Ste. 101
Billings, Montana 59101
(406) 259-2459

PETITIONING THE COURT

- ☒ To issue a Warrant
☐ To issue a Summons

Background

On December 7, 2011, the defendant appeared before Senior United States District Judge Richard F. Cebull, having pled guilty to the offense of Abusive Sexual Conduct. The offense involved the defendant touching the buttocks and genitals of a ten year old boy.

The defendant was sentenced to 30 months custody and 10 years supervised release. The defendant release from custody on March 16, 2013, and signed the terms of his supervision on March 18, 2013.

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Quincy Woodenlegs

Page 2.

A Report on Offender Under Supervision was filed with the Court on June 13, 2013, after the defendant tested positive for, and admitted to using methamphetamine on June 7, 2013. As a result of the defendant's drug use, his random substance abuse testing was increased to no less than five tests per month, and he was required to attend two individual substance abuse counseling sessions per month. Per the defendant's existing group substance abuse counselor, he would only be allowed to remain in the group if he were to start the program over from the beginning. Therefore, the defendant was required to start his twelve week, drug and alcohol aftercare program over. The defendant was to be responsible for the entire cost of all substance abuse treatment services. The defendant was informed that failure to comply with any of these corrective measures or any further substance abuse would result in a petition to revoke his supervised release being filed with the Court. Since that time, the defendant has admitted to associating with a known felon and tested positive for and admitted to consuming alcohol.

Given the nature of the defendant's crime, the fact that his pre-trial supervision was revoked for substance abuse and cutting off his electronic monitoring bracelet and he is once again abusing both alcohol and drugs, it is this officer's opinion that the defendant is not amenable to supervision at this time. The defendant stated in his own pre-sentence interview that he was under the influence of alcohol at the time of his instant offense. The fact the defendant is once again abusing alcohol as well as using drugs, is not only troubling, but poses far too great a risk to allow the defendant to continue residing in the community.

The undersigned probation officer believes the offender has violated the following condition(s) of supervision:

Violation No.

Nature of Noncompliance

1

Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On June 8, 2013, the defendant submitted a urine sample at Alternatives, Inc., that tested positive for methamphetamine on a hand held testing device. On June 10, 2013, the defendant admitted to the undersigned officer that he snorted approximately 1/4 gram of methamphetamine on June 7, 2013. The defendant signed an admission form stating as such.

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Quincy Woodenlegs

Page 3.

- 2 **Standard Condition #9:** *The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.*

While at Sonic Burger on June 27, 2013, United States Probation Officer Eric Buehler witnessed the defendant exit the back of the restaurant and hand a bag of food to Federal Offender Christopher Killsnight. On July 2, 2013, Killsnight admitted to Officer Buehler that the defendant told him to come see him at work and he would give him free food. The defendant also admitted the unapproved association to Officer Buehler on the same day.

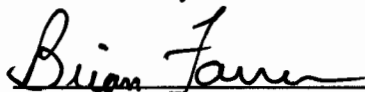
- 3 **Special Condition #10:** *The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale.*

On July 2, 2013, the defendant reported to the United States Probation and performed a portable breath test that registered a .031 Blood Alcohol Content. The defendant signed an admission form stating that he had consumed approximately twelve shots of Black Velvet whiskey the previous night.

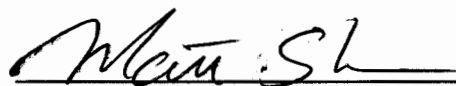
AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a Warrant.

Reviewed by:

 7/3/13

Brian Farren
Team Leader, United States Probation
Officer



Matt Shea
United States Probation Officer

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Quincy Woodenlegs

Page 4.

ORDER OF COURT

I find there is probable cause to believe the Defendant has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a Warrant. Considered and ordered this 3rd day of July, 2013, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.



Carolyn S. Ostby
United States Magistrate Judge